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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/382,424 08/24/99 PHILYAW J PHYLY-24.733

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TM02/0605

EXAMINER

KUPSTAS, T

ART UNIT

PAPER NUMBER

2153

DATE MAILED:

06/05/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.

09/382,424

Applicant(s)

Philyaw et al.

Examiner

Tod Kupstas

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4 and 6 20) ☐ Other:

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## DETAILED ACTION

### *Claim Objections*

1. Claims 2 and 11, are objected to because of the following informalities: In line 2, of claim 2, "cade" should be --code--. In line 3 , of claim 11, "cade" should be --code--. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Golden et al. (US 5,761,648).

As forth in claim 1, Golden et al. disclose a method of tracking network activity of a user, comprising the steps of: implementing a profile application on a computer of the user disposed on a network to track the network activity of the user, the profile application having a unique ID and bar code associated therewith; see col. 5, lines 9-23 (the pin and barcode); entering user information of the user into the profile application; see col. 5, line 60-col. 6, line 6; accessing a vendor server on the network by the user to view server information; and logging with an activity

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log activities of the user while the user accesses the vendor server for server information; see col. 5, lines 12-21 and 35-42 (This system logs and uses the profile information of the end user to keep track of the user).

As forth in claim 2, Golden et al. disclose a method wherein the profile information is transmitted to a registration server disposed on the network for storing, and the bar code and unique ID returned to the computer of the user in response to receiving the profile; see col. 5, lines 47-56.

As forth in claim 3, Golden et al. disclose a method wherein the vendor server transmits the activity log to the registration server in response to the user exiting the vendor server; see col. 5, lines 14-24.

As forth in claim 4, Golden et al. disclose a method wherein the activity log is appended to the user information stored on the registration server (part of the profile data-i.e. the system keeps track of coupons cashed, issued, etc.).

As forth in claim 5, Golden et al. disclose a method wherein the profile application contains the unique ID and bar code; see col. 4, lines 9-26.

As forth in claim 6, Golden et al. disclose a method wherein the profile application passes the unique ID and bar code to the vendor server when the user accesses the vendor server (the issuer uses this information to print the coupon).

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As forth in claim 7, Golden et al. disclose a method wherein the vendor server accesses a registration server disposed on the network to obtain the user information stored thereon; see col. 5, lines 9-42.

As forth in claim 8, Golden et al. disclose a method wherein the vendor server presents advertising to the user based upon information extracted from the user information; (the vendor (issuer) compiles demographic information and other advertising material).

As forth in claim 9, Golden et al. disclose a method wherein the activity log is generated on the computer of the user and stored thereof (the end user contains a listing of coupons downloaded and used, etc.).

As forth in claim 10, Golden et al. disclose a system for tracking network activity of a user, comprising the steps of: a profile application implemented on a computer of the user disposed on a network to track the network activity of the user, the profile application having a unique ID and bar code associated therewith; see col. 5, lines 9-23 (the pin and barcode); user information of the user entered into the profile application; ; see col. 5, line 60-col. 6, line 6; a vendor server on the network accessed by the user to view server information; and activity log for logging activities of the user while the user accesses the vendor server for server information; see col. 5, lines 12-21 and 35-42 (This system logs and uses the profile information of the end user to keep track of the user).

As forth in claim 11, Golden et al. disclose a system wherein the profile information is transmitted to a registration server disposed on the network for storing, and the bar code and

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unique ID returned to the computer of the user in response to receiving the profile; see col. 5, lines 47-56.

As forth in claim 12, Golden et al. disclose a system wherein said vendor server transmits the activity log to the registration server in response to the user exiting the vendor server; see col. 5, lines 14-24.

As forth in claim 13, Golden et al. disclose a system wherein the activity log is appended to the user information stored on the registration server (part of the profile data-i.e. the system keeps track of coupons cashed, issued, etc.).

As forth in claim 14, Golden et al. disclose a system wherein the profile application contains the unique ID and bar code; see col. 4, lines 9-26.

As forth in claim 15, Golden et al. disclose a system wherein the profile application passes the unique ID and bar code to the vendor server when the user accesses the vendor server (the issuer uses this information to print the coupon).

As forth in claim 16, Golden et al. disclose a system wherein the vendor server accesses a registration server disposed on the network to obtain the user information stored thereon; see col. 5, lines 9-42.

As forth in claim 17, Golden et al. disclose a system wherein the vendor server presents advertising to the user based upon information extracted from the user information (the vendor (issuer) compiles demographic information and other advertising material).

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As forth in claim 18, Golden et al. disclose a system wherein the activity log is generated on the computer of the user and stored thereon (the end user contains a listing of coupons downloaded and used, etc.).

### *Conclusion*

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lewis et al. (US 6,233,565) disclose methods and apparatus for Internet based financial transactions with evidence of payment.


Gottsman et al. (US 6,134,548) disclose system, method and article of manufacture for advanced mobile bargain shopping (utilizing Bar codes, etc. to provide advertising information to the end user).


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tod Kupstas whose telephone number is (703) 305-2655.

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The fax phone number for this art unit is (703) 308-6743. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the technology center receptionist whose telephone number is (703) 305-3900.

Tod Kupstas

  
May 21, 2001

  
**GLENTON B. BURGESS**  
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